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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply; if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

Office Action Summary

Application No.

10/674,680

Applicant(s)

GABRIEL ET AL.

Examiner

Dennis Myint

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/23/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on July 23, 2007.
2. Claims 1-22 are currently pending in this application. Claims 1, 16, 18, and 19 are independent claims. In the Amendment filed on July 23, 2007, claims 1, 16, 18, and 19 were amended. **This office action is made final.**
3. In light of the amendments made to claim 19, objection of said claim in prior office is hereby withdrawn.
4. In light of the amendments made claim 19, rejection of said claim under 35 U.S.C. § 101 is hereby withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson et al. (hereinafter "Williamson")(U.S. Patent Application Publication Number 2003/0208767) in view of Willis et al., (hereinafter "Willis") (U.S. Patent Application Publication Number 2004/0003097).

As per claim 1, Williamson is directed to a method for searching for media content (Williamson, Paragraph 0135-0137) and teaches the limitations:

"receiving from a user a user profile which identifies preferred media sources" (Paragraph 0102, i.e., *Create New Profile* and Paragraph 0084, i.e., *..and recommended programs* (i.e., programs that the system reserves *automatically based on user profile*);

"receiving a search request from a user including at least one search criteria" (Paragraph 0102 and 0135-0157 , i.e. *A search may include one of these parameters or multiple parameters*);

"searching (a plurality of media distribution source types) for media content based on the at least one search criteria and the user profile" (Paragraph 0102 and 0135-0157) ;

"a schedule including schedule information regarding the media content" (Williamson, Figure 12, 13, and 14) and

"displaying the schedule to the user" ((Williamson, Figure 12, 13, and 14).

Williamson does not explicitly teach the limitations: "a plurality of distribution source types" and "generating, from results of the searching, a schedule including scheduling information regarding the media content".

On the other hand, Willis teaches the limitations:

"a plurality of distribution source types" (Willis, Paragraph 0003, i.e., *Such sites are generally known as "portals," and provide a central gateway through which users can be presented with options and links to various information sources. In this way,*

users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings**; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television*; Paragraph 0088, i.e., *Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below*; and Paragraph 0094, i.e., *One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard*); and

"generating, from results of the searching, a schedule including scheduling information regarding the media content" (Willis, Paragraph 0085, i.e., *FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, **content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automatons running "on a scheduled basis" and querying a data source for***

information and either producing or not producing content based in part on the result of that query). Moreover, in other implementations, content generator 110 may be included within system 100; See also Willis paragraph 0107, 0129, 0262, and 0278).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Williamson to combine with the features of searching a plurality of media distribution source types and searching results on periodic basis, as taught by Willis, so that the combined method would comprise searching a plurality of media distribution source types for media content on periodic basis. One would have been motivated to do so in order to allow users to designate categories of information in which desired content may be presented (Willis, Paragraph 0003).

As per claim 2, Williamson in view of Willis teaches the limitation:

"wherein the media content includes at least one of a video, audio, a still image, printed material, text, a movie, and a television program" (Williamson, Paragraphs 0039 and 0066).

As per claim 3, Williamson in view of Willis teaches the limitation:

"wherein the information regarding the media content includes availability information that indicates availability of media content, which meets the at least one search criteria, from at least one of the preferred media sources" (Williamson,

Paragraph 0084, i.e. *upcoming programs* (i.e. programs that are scheduled to be reserved but has yet to be broadcast) *and recommended programs...* and Willis Paragraphs 0003, 0088, and 0094).

As per claim 4, Williamson in view of Willis teaches the limitation:

"wherein the availability information includes at least two of movie theater show time data, television broadcast data, and retail data (Williamson, Paragraph 0084, i.e. *upcoming programs* (i.e. programs that are scheduled to be reserved but has yet to be broadcast) *and recommended programs...*; Paragraph 0086 , i.e. *upcoming* (i.e. to be broadcast in the future) *or by the reservation date of the program*; and Paragraph 0088, i.e., *broadcast time for current and future reserved programs, rating (such as G, PG-13 and R....*and Willis Paragraph 0003, i.e., *In this way, users can check, for example, their stocks, mail, local weather, sports scores, and **movie listings***).

As per claim 5, Williamson in view of Willis teaches the limitation:

"wherein the search for media content is performed on at least one database" (Williamson, Figure 1: Library Manager 113, ; Paragraph 0048, i.e. ...*forwards the same to library manager 113 for long-term storage*; and Paragraph 0039, i.e., *database services*).

As per claim 6, Williamson in view of Willis teaches the limitation:

"wherein the user profile includes at least one of a zip code and a television provider data" (Williamson, Paragraph 0150, i.e. ... *having specified zip codes*).

As per claim 7, Williamson in view of Willis teaches the limitation:

“providing online purchase capabilities such that the user is able to purchase at least one of the media content, tickets to view or hear the media content, and merchandise related to the media content” (Williamson, Paragraph 0127-0128, i.e.,including *Add Video to Shopping Cart 3321, Buy CD 3322, Buy Video 3323, Concert Information 3324, MP3 Download 3325 and Photos 3326*).

As per claim 8, Williamson in view of Willis teaches the limitation:

“wherein the plurality of media distribution source types includes at least two of: i) at least one movie theater source type, ii) a local cable TV or satellite TV provider source type, iii) preferred online retailer source type” (Williamson, Paragraph 0039, i.e., *Headend 105 receives programs and services from various providers and sources, e.g., analog and digital satellite sources, application servers, media servers, the Internet etc.*; and Willis Paragraph 0003, i.e., *In this way, users can check, for example, their stocks, mail, local weather, sports scores, and **movie listings***).

As per claim 9, Williamson in view of Willis teaches the limitation:

“wherein the search criteria includes at least one of title data, cast member data, and director data” (Williamson, Paragraph 0102, i.e., *These parameters may include programming category, actor(s) names, program title, director, keyword and the like*).

As per claim 10, Williamson in view of Willis teaches the limitation:

"wherein the information regarding the media content is displayed on at least one of: i) a display associated with a set-top box, ii) a display of a computer arrangement, a TV, a wireless device, and a cell phone" (Williamson, Figures 12-16, Paragraph 0070, and Paragraph 0095).

As per claim 11, Williamson in view of Willis teaches the limitation:

"notifying the user in the future when the media content becomes available from at least one of the preferred media distribution sources, if the media content is not currently available from the at least one of the preferred media distribution sources" (Williamson, Paragraph 0150-0153, "Messaging Service" and Willis Paragraphs 0003, 0088, and 0094).

As per claim 12, Williamson in view of Willis teaches the limitation:

"notifying the user in the future when the media content becomes available from at least one non-preferred media distribution source" (Williamson, Paragraph 0150-0153, i.e., *Messaging Service* and Paragraph 0139-0148, i.e., *Commercial Targeting and Playback Monitoring*; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 13, Williamson in view of Willis teaches the limitation:

"wherein the user is notified via at least one of email, instant message, and postal mail" (Williamson, Paragraph 0150-0153, i.e., *Messaging Service*).

As per claim 14, Williamson in view of Willis teaches the limitation:

"periodically searching for the availability information related to at least one of the preferred media distribution sources if the media content is not currently available from the at least one of the preferred media distribution sources" (Williamson, Paragraph 0084, i.e. ...*recommended programs* (i.e., programs that the system reserves automatically based on user profile..; and Willis Paragraphs 0003, 0085, 0088, and 0094).

As per claim 15, Williamson in view of Willis teaches the limitation:

"requesting a user notification of when the media content becomes available from at least one preferred media distribution source, if the media content is not currently available from the at least one preferred media distribution source" (Williamson, Paragraph 0151, i.e., *The subscriber content level*; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 16, Williamson in view of Willis teaches the limitations:

"determining an availability of the media content from a plurality of media distribution sources that are selected" (Willis, Paragraph 0003, i.e., *Such sites are generally known as "**portals**," and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings***; Paragraph 0015, i.e., *In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as,*

*for example, telephone, radio, and television; Paragraph 0088, i.e., Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below; and Paragraph 0094, i.e., One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard); Willis, Paragraph 0085, i.e., FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, **content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automatons running "on a scheduled basis" and querying a data source for information and either producing or not producing content based in part on the result of that query)** ") in accordance with at least one user selection interpreted based on a user-profile, the plurality of media distribution sources including different types of media distribution sources" (Williamson, Paragraph 0084, i.e., My Shows GUI provides a user with a list of available programs that have*

*been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a user to find, sort and manage programs, including reserved programs** (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., s multiple users in a household may establish **one or more personal profiles** that enables users to sort content and channels by **the user's personal content preferences**);*

"generating, based on determination, a schedule including information regarding the availability of the media content from the plurality of media distribution sources" (Willis Paragraph 0003 and 0085 in view of Williamson Paragraph 0084 and figures 12-16); and

"displaying the schedule on a single page" (Williamson Figures 12-16; and Willis Paragraphs 0003, 0088, and 0094).

As per claim 17, Williamson in view of Willis teaches the limitation:

"allowing a user to request, from the single page, notification in the future when the media content becomes available from at least one of the media distribution

sources, if the media content is not currently available from the at least one of the media distribution sources” (Williamson, Figures 12-16 and Paragraph 0151, i.e.*those users who request baseball programs frequently may be grouped as baseball fan-users. Thus the messaging service in question may from time to time provide targeted messages concerning baseball games, equipment, etc. to such baseball fan-users. In addition, the messaging service may provide personal messages to a user, including messages concerning the user’s account, an expiration of the user’s reserved program, etc.*; and Willis Paragraphs 0003, 0088, and 0094).

Claim 18 is essentially the same as claim 1 except that it set forth the claimed invention as a system rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

Claim 19 is essentially the same as claim 1 except that it set forth the claimed invention as a hardware-implemented apparatus rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

As per claim 20, Williamson in view of Willis teaches the limitations:

“interpreting at least a portion of the at least one search criteria in accordance with user profile” (Williamson, Paragraph 0101, i.e., *If the user wants to find a program that meets the parameters of the user’s existing Favorite profile, the “Find Favorite Shows” feature is selected from the Favorites submenu 1420 ; and Figure 15: Continue*

*to narrow search until one or two criteria have been established, e.g., Actor's name + category; Williamson, Paragraph 0084, i.e., My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a user to find, sort and manage programs, including reserved programs** (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., s multiple users in a household may establish **one or more personal profiles** that enables users to sort content and channels by **the user's personal content preferences**) and*

"where the searching is based, at least in part on interpreting" (Williamson, Paragraph 0101 and Figure 15; Note that any search involves interpreting search criteria; Williamson, Paragraph 0084, i.e., My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI

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(e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a user to find, sort and manage programs, including reserved programs** (i.e., programs that have already been reserved and are currently available for viewing), **upcoming programs** (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and **recommended programs** (i.e., programs that the system reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., **s multiple users in a household may establish one or more personal profiles that enables users to sort content and channels by the user's personal content preferences**).

Claim 21 is essentially the same as claim 20 except that it set forth the claimed invention as a system rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

Claim 22 is essentially the same as claim 20 except that it set forth the claimed invention as a hardware-implemented apparatus rather than a method for searching for media content and rejected for the same reasons as applied hereinabove.

Response to Arguments

7. The applicant's arguments filed on July 23, 2007 have been fully considered but are not persuasive.

Referring to claim 1, 18, and 19, Applicant argued that *the modified system would not disclose or suggest the features of any claims 1, 18, and 19, particularly, the features of generating a schedule in response to a search request, where the schedule includes scheduling information of results obtained from searching a plurality of media distribution source types*" (Applicant's argument, page 8 second paragraph) and that *one skilled in the art would not arrive at the features of any of claims 1, 18, and 19 based on the combination of Williamson et al., and Willis et al., without an improper hindsight reconstruction based on Applicant's disclosure* (Applicant's argument, page 8 third paragraph).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1] Interpretation of Claims-Broadest Reasonable Interpretation.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more

broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response to the argument that *the modified system would not disclose or suggest the features of any claims 1, 18, and 19, particularly, the features of generating a schedule in response to a search request, where the schedule includes scheduling information of results obtained from searching a plurality of media distribution source types*" (Applicant's argument, page 8 second paragraph), it is pointed out that the combination of Williamson in view of Willis does teach the added limitation as follows: "generating, from results of the searching, a schedule including scheduling information regarding the media content" (Willis, Paragraph 0085, i.e., *FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, **content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automatons running "on a scheduled basis" and querying a data source for information and either producing or not producing content based in part on the result of that query).** Moreover, in other implementations, content generator 110 may be included within system 100; See also Willis paragraph 0107, 0129, 0262, and 0278; Willis, Paragraph 0003, i.e., *Such sites are generally known as "portals," and provide a central gateway through which users can be presented with options and links to various**

*information sources. In this way, users can check, for example, their **stocks, mail, local weather, sports scores, and movie listings**; Also see Paragraph 0015 of Willis).*

Applicant's argued that one skilled in the art would not arrive at the features of any of claims 1, 18, and 19 based on the combination of Williamson et al., and Willis et al., without an improper hindsight reconstruction based on Applicant's disclosure (Applicant's argument, page 8 third paragraph).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Additionally, Applicant argued that *Williamson et al. dose not disclose or suggest a user selection interpreted based on a user profile* (Applicant's argument, page 8 last paragraph).

In response, Williamson in view of Willis teaches said limitation as follows:
"determining an availability of the media content from a plurality of media distribution sources that are selected" (Willis, Paragraph 0003, i.e., *Such sites are generally known as "**portals**," and provide a central gateway through which users can be presented with options and links to various information sources. In this way, users can check, for*

*example, their **stocks, mail, local weather, sports scores, and movie listings**;*

*Paragraph 0015, i.e., In another implementation, a system combines the concepts of the portal and personalized content with other delivery channels, such as, for example, telephone, radio, and television; Paragraph 0088, i.e., Articles may be, for example, text, video, audio, HTML, or another available rendering medium, or a combination of two or more of these media. Articles may contain the same piece of content in multiple forms, and may permit generation of one type of content from another, as discussed below; and Paragraph 0094, i.e., One type of router that is capable of performing the functionality of content-based router 130 is known as Elvin and is produced by the Distributed Systems Technology Centre (DSTC). Other types of content-based services include Gryphon, produced by International Business Machines (IBM), and Keryx, a Java-notification service by Hewlett Packard); Willis, Paragraph 0085, i.e., FIG. 1 is an example of a content presentation system including a system 100. In FIG. 1, external information from an external information source 105 is received by a content generator 110, which generates a corresponding article. Many types of external information sources 105 may be used, as will be discussed in more detail with respect to FIG. 2. Also, content generator 110 may utilize various techniques for gathering and publishing the information as discrete articles. For example, **content generator 110 may utilize software agents to gather appropriate information (agents are generally defined as automatons running "on a scheduled basis" and querying a data source for information and either producing or not producing content based in part on the result of that query)** ") in accordance with at least one user selection interpreted*

based on a user-profile, the plurality of media distribution sources including different types of media distribution sources" (Williamson, Paragraph 0084, i.e., *My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, the My Shows GUI enables a user to find, sort and manage programs, including reserved programs (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically based on user profile); Williamson, Paragraph 0099, i.e., s multiple users in a household may establish one or more personal profiles that enables users to sort content and channels by the user's personal content preferences) and "generating, based on determination, a schedule including information regarding the availability of the media content from the plurality of media distribution sources" (Willis Paragraph 0003 and 0085 in view of Williamson Paragraph 0084 and figures 12-16)*

Referring to claims 2 to 15 and 20, Applicant argued that *which ultimately depend from claim 1 and therefore include all of the features cited in claim 1, it is respectfully submitted that the combination of Williamson et al. and Will et al. does not render unpatentable these dependent claims for the same reasons set forth above in*

support of the patentability of claim 1 (Applicant's argument, page 9 first paragraph).

In response, it is pointed out that, as discussed in details with respect to independent claims 1, 18, and 19, Williamson in view of Willis does teach each and every feature of said claims and, as such, all dependent claims, which dependent from said independent claims, are rendered unpatentable by said combination of prior art.

Referring to claim 17, Applicant argued that *which depends from claim 16 and therefore includes all of the features cited in claim 16, it is respectfully submitted that the combination of Williamson et al. and Will et al. does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 16* (Applicant's argument, page 9 second paragraph).

In response, it is pointed out that, as discussed in details with respect to independent claim 16, Williamson in view of Willis does teach each and every feature of said claim and, as such, all dependent claims, which dependent from said independent claims, are rendered unpatentable by said combination of prior art.

Referring to claim 21, Applicant argued that *which depends from claim 18 and therefore includes all of the features cited in claim 18, it is respectfully submitted that the combination of Williamson et al. and Will et al. does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 18* (Applicant's argument, page 9 third paragraph).

In response, it is pointed out that, as discussed in details with respect to independent claim 18, Williamson in view of Willis does teach each and every feature of said claim and, as such, all dependent claims, which dependent from said independent

claims, are rendered unpatentable by said combination of prior art.

Referring to claim 22, Applicant argued that *which depends from claim 19 and therefore includes all of the features cited in claim 19, it is respectfully submitted that the combination of Williamson et al. and Will et al. does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 1* (Applicant's argument, page 9 fourth paragraph).

In response, it is pointed out that, as discussed in details with respect to independent claim 19, Williamson in view of Willis does teach each and every feature of said claim and, as such, all dependent claims, which dependent from said independent claims, are rendered unpatentable by said combination of prior art.

Referring to claims 20 and 22, Applicant argued that *the cited portions do not disclose or suggest inputting criteria which is then interpreted based on a profile*" (Applicant's argument, page 9 fifth paragraph).

In response, it is pointed out that Williamson in view of Willis teaches said limitation as follows: "interpreting at least a portion of the at least one search criteria in accordance with user profile" (Williamson, Paragraph 0101, i.e., *If the user wants to find a program that meets the parameters of the user's existing Favorite profile, the "Find Favorite Shows" feature is selected from the Favorites submenu 1420 ; and Figure 15: Continue to narrow search until one or two criteria have been established, e.g., Actor's name + category; Williamson, Paragraph 0084, i.e., My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the*

*My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a user to find, sort and manage programs, including reserved programs** (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system reserves automatically **based on user profile**); Williamson, Paragraph 0099, i.e., s multiple users in a household may establish **one or more personal profiles** that enables users to sort content and channels by **the user's personal content preferences**) and "where the searching is based, at least in part on interpreting" (Williamson, Paragraph 0101 and Figure 15; Note that any search involves interpreting search criteria; Williamson, Paragraph 0084, i.e., *My Shows GUI provides a user with a list of available programs that have been reserved by the user. In the case where multiple users in a household are served by a set-top terminal, each user may utilize the My Shows GUI to create his/her own list of reserved programs. Referring to FIG. 13, when a user reserves a program, the reserved program are listed in the "My Shows" GUI (e.g., 1100A, 1100C) accessible from Home GUI 1030. In one embodiment, **the My Shows GUI enables a user to find, sort and manage programs, including reserved programs** (i.e., programs that have already been reserved and are currently available for viewing), upcoming programs (i.e., programs that are scheduled to be reserved but have yet to be broadcast) and recommended programs (i.e., programs that the system**

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*reserves automatically **based on user profile***); Williamson, Paragraph 0099, i.e., s
*multiple users in a household may establish **one or more personal profiles** that
enables users to sort content and channels by **the user's personal content
preferences***)

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action. For the above reasons, Examiner believed that rejection of the last Office action was proper.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis Myint

Examiner

AU-2162



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